

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY,
Plaintiff,

v.

No. 3:21-cv-00230-NBB-RP

AN EASEMENT AND RIGHT-OF-WAY
OVER 1.26 ACRES OF LAND, MORE OR LESS,
IN DESOTO COUNTY, MISSISSIPPI, and
RICHARD B. GENTRY,
FOCAL POINT INVESTMENT, LLC,
a Tennessee limited liability company,
Defendants.

JUDGMENT AND ORDER DISBURSING FUNDS

This action came before the Court on the Joint Motion for Entry of a Proposed Judgment and Order Disbursing Funds (ECF Doc. 43). As set forth in the joint motion, Plaintiff and Defendants have agreed to resolve this action with the total amount of compensation to be awarded for the condemned property rights being \$160,000 and that Plaintiff has deposited with the registry of this Court the total amount of \$160,000, the disbursement of which is provided for herein.

It is, therefore, **ORDERED AND ADJUDGED** that:

1. Defendants shall recover of the Plaintiff \$160,000 as full compensation for the taking of the property rights herein condemned, and Defendants Focal Point Investment, LLC, and Richard B. Gentry shall receive of that amount recovered as compensation in the apportioned amounts set forth in paragraph 2.

2. The Clerk of this Court is authorized and directed to draw two checks on the funds on deposit in the registry of this Court, the first check in the amount of \$22,000 payable to Richard B. Gentry and the second check in the amount of \$138,000 plus any accrued interest

thereon less the applicable registry fee, payable to Focal Point Investment, LLC and Glankler Brown, PLLC, in full satisfaction of this Judgment and Order Disbursing Funds (Judgment), and to mail said the first check to Richard B. Gentry, c/o Paul R. Scott at P.O. Box 346, 2545 Caffey Street, Hernando, MS 38632 and mail the second check to Focal Point Investment, LLC, c/o Glankler Brown, PLLC, Ross E. Webster at 6000 Poplar Avenue, Suite 400, Memphis, TN 38119, in full satisfaction of this Judgment.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on November 2, 2021 (ECF Doc. 2), is hereby fully and finally confirmed with respect to the following-described property rights, said description being the same as in Attachment 1 to the Declaration of Taking filed herein (ECF Doc. 2-1):

Permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, including guy wires, in, on, over, and across said right-of-way, together with the perpetual right to clear said right-of-way and keep the same clear of structures (including but not limited to flagpoles, solar panels, buildings, signboards, billboards), trees, brush, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush; to prevent the drilling or sinking of wells within the right-of-way; and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any line, structure, appurtenance, or conductor (including structures and conductors being on and over adjacent land), the Tennessee Valley Authority to remain liable for any direct physical damage to the land and annual growing crops resulting directly from the operations of the construction and maintenance forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said transmission line structures, all upon, under, over, and across the following-described land:

TRACT NO. MWND-12

A strip of land located in Section 20, Township 1 South, Range 6 West, of DeSoto County, Mississippi, as shown on map entitled "Olive Branch-DeSoto Rd. Transmission Line Tap to Mineral Wells Tap to North DeSoto, Mississippi Substation," drawing LW-5463, Sheet P10DCCA, R.2, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said strip being

100 feet wide, lying 50 feet on each side of the centerline of the transmission line location, the centerline of the location and the end boundaries of the strip being more particularly described as follows:

Commence at the northwest corner of Section 20; thence southerly along the section line 1,185.8 feet, more or less, to a rebar with cap; thence continue in a southerly direction along the Richard B. Gentry property line as shown on said sheet P10DCCA of US-TVA drawing LW-5463, 442.5 feet, more or less, to a point on the east line of the Olive Branch Building, LLC property and on the centerline of the location at station 38+32.1, and being the Point of Beginning.

The said strip being bounded on the northwestern end by the said property line; thence with the centerline of the location S. 36°06'16" E., 551.33 feet to a point of ending on the right-of-way line of Old Craft Road, on the centerline of the location at station 32+80.77, the said strip being bounded on the southeastern end by the said property line, the ends of said strip are shortened or extended to said property lines.

The above-described strip of land includes the centerline of the transmission line location for a net distance 551.33 feet and contains 1.26 acres, more or less.

Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title or interest as the owner of the above-described land may have in Tract MWND-11, DeSoto County, Mississippi (Old Craft Road), the adjoining road right of way as shown on the map referenced above.

The above-described parcel of land is lying in the Northwest ¼ of Section 20, Township 1 South, Range 6 West in the City of Olive Branch, DeSoto County, Mississippi.

The coordinates, distances and directions of lines are referred to the Mississippi West Coordinate System, NAD83(2011) Horizontal Datum, NAVD88 (Geoid12A) Vertical Datum.

4. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

It is SO ORDERED, on this the 16th day of August, 2022.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.

UNITED STATES DISTRICT JUDGE

We hereby approve and consent
to the entry of this Judgment:

s/Ibrahim M. Berro

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